IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

LARRY E. WILLIAMS,	CASE NO. 4:13CV3170
Petitioner,)	
v.) ROBERT HOUSTON, Director, and) FRED BRITTON, Warden,)	MEMORANDUM AND ORDER
) Respondents.)	

This matter is before the court on Petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing No. 2.) Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). The court has reviewed the application to proceed IFP. Petitioner's trust account information shows that Petitioner's account contained an average monthly balance of \$100 or more for the sixmonth period immediately preceding the filing of the petition. (Filing No. 3.) Thus, the court concludes that Petitioner must be required to pay the \$5.00 filing fee because Petitioner has the financial ability to do so. See 28 U.S.C. § 1915(a). No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

- 1. Petitioner's application to proceed IFP (Filing No. 2) is denied;
- 2. Petitioner is granted until **November 4, 2013**, to pay the \$5.00 filing fee. Petitioner is warned that if the fee is not paid as required, the court may dismiss this case without further notice;
- 3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: November 4, 2013: deadline for Petitioner to pay \$5.00 filing fee; and

4. No further review of this case will take place until the filing fee is paid.

DATED this 4th day of October, 2013.

BY THE COURT:

s/Laurie Smith Camp Chief United States District Judge

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